

SUBJECT: <b>Victim/Witness Services</b>	NUMBER: 2-15.01
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: ADM.24.01, ADM.24.02, ADM.24.03, ADM.24.04	APPROVED: Sheriff

## **I. POLICY**

Victims deserve support and fair treatment and since the deputy may be the initial source of protection for a victim, the manner in which they are treated affects their willingness to assist in prosecution and their immediate and long-term ability to cope with crime. Because we are dependent upon the aid of victims and witnesses to hold the criminal accountable, we must ensure that they receive professional handling consistent with their important role.

## **II. TRAINING**

- A. It is the responsibility of the Training Officer to ensure that newly hired employees receive training to include the specific rights of victims, as well as our response to them.
- B. Additional, on-going training shall be provided to deputies. This training may cover existing laws with annual updates.

## **III. VICTIMS RIGHTS**

- A. It will be the responsibility of the assigned deputy to re-contact the victim/witnesses (as defined in the Victims of Crime Act) to schedule line-ups and interviews at the convenience of the victim/witness when applicable.
- B. It will also be the responsibility of the assigned deputy to determine whether any property taken is needed for evidentiary purposes so that it may be returned to the victim/witness as soon as practical.
- C. In the event an arrest is made in a case (as defined in the Victims of Crime Act), the assigned deputy will be responsible for contacting the victim to notify them an arrest has been made.
- D. The Valencia County Sheriff's Department realizes that a victim's willingness to cooperate may be thwarted by threats and intimidation. The Sheriff's Department will provide appropriate assistance based on available resources to victims/witnesses whom have been threatened or intimidated, including filing of additional charges, if applicable, against the offending party.

## **IV. VICTIM-WITNESS INFORMATION**

- A. As part of a preliminary investigation, members of the Valencia County Sheriff's Department will provide information regarding applicable services and advising the victim on the procedure to follow if they are threatened or intimidated.
- B. The deputy is required to provide victims/witnesses his or her (deputy's) name, badge number and follow-up phone numbers so that the victim/witness can report additional information about the case or to check the status of the case.
- C. The deputy will provide victims/witnesses information on obtaining emergency protective orders if necessary. The emergency protective order is valid for 72 hours the deputy must obtain a written statement from victim and prepare a police report before contacting the Judge. The deputy will contact the District Court Judge or Domestic Violence Special Commissioner. Both the deputy and the victim will be required under oath to disclose information in both the police report and the victim's statement. At this time District Court Judge or Special Commissioner will make a ruling as to whether the emergency protective order is issued. The emergency protective order is designed to protect human life.
- D. Deputies who are responding to victims/witnesses will make arrangements for victims/witnesses to go to safe places and/or medical facilities.

## **V. POLICE VICTIM ASSISTANCE**

### **A. Safety and Security**

- 1. Deputies are responsible for security of the crime or incident scene to protect lives and ensure safety.
- 2. Deputies shall render emergency aid to individuals who have suffered physical injuries, and shall, as soon as possible, summon any necessary medical assistance.
- 3. Where physical injuries are not apparent, victims shall be asked if they are injured and whether medical attention is required.
- 4. In order to reduce fright and promote victim communication, victim should be informed as soon as appropriate that they are no longer in immediate danger.
- 5. Recognizing that victims often suffer physical and/or emotional shock, deputies shall assist them in making decisions and keep them informed of law enforcement actions and requirements.
- 6. Whenever possible, law enforcement deputies should not leave a distraught victim alone. Arrangements should be made to have a relative, friend, family or personnel from the Domestic Violence Shelter join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member or other appropriate service provider.

### **B. Providing Emotional Support**

In order to calm and assist the victim in regaining composure, deputies shall

1. Allow the victim a reasonable period of time in which to express feelings and emotions while describing what happened during the incident.
2. Express empathy for the victim and recognition and understanding for emotional reactions.
3. Provide reassurance that the victim's feelings are normal and understandable.
4. Not be overtly judgmental of the victim's feelings and emotions or the apparent lack thereof, or of victim judgments or actions related to the incident.
5. Help redirect any self-blame and responsibility for the criminal act from the victim to the perpetrator; and
6. Emphasize your commitment and that of the department to assist and work with the victim.

#### C. Information and Referral

Before leaving the scene, it is important that deputies take the steps necessary to meet victim's needs for support and information. These include:

1. Providing a brief overview of what actions will be taken shortly thereafter, and answering such questions as, "Will a criminal investigator contact the victim?", "Will evidence technicians be used at the scene?", "Will lineups or show ups be held?", and "What other law enforcement actions will be taken?";
2. Providing information on victim service agencies available in the community; and
3. Leaving names and telephone numbers where the victim can reach the deputy or the criminal investigator at the department, and encouraging the victim to use the number to report additional information about the incident or to request information or assistance.

#### D. Follow-up

Lack of information about case status is one of the greatest sources of dissatisfaction among victims of crime and victims' survivors. Therefore, deputies assigned to criminal investigations shall make routine victim call-backs in order to determine whether the victim has new information concerning the case, to ascertain whether the victim is in need of

assistance from outside sources or the department, and to relay information relating to such matters as

1. The status of stolen, recovered or removed property;
2. The arrest and detention of suspects, and their pretrial release status;
3. The victim's possible eligibility for victim compensation;
4. Court restraining orders;
5. Court proceedings and schedules; and
6. The operations of the department and the criminal justice system.

## **VI. DEATH/INJURY TO A MEMBER OF THE DEPARTMENT**

The Valencia County Sheriff's Department believes it is their responsibility to provide liaison assistance to the immediate survivors of a member who dies in the line-of-duty, whether feloniously or accidentally, while an active member of the department and to family members of those who are injured while in the line-of-duty. This includes prompt notification, the clarification and comprehensive study of survivor benefits, and to provide tangible and intangible emotional support during this traumatic period of re-adjustment for the surviving family.

### **A. Notification**

1. The name of the deceased or injured deputy should not be released to the media before immediate survivors and the Sheriff are notified.
2. Notification shall be made in person by the Sheriff or his designee along with the Departmental chaplain.
3. If young children are known to live at home, arrangements should be made for their care by the informing deputy.
4. A ranking deputy should be present the entire time the family is at the hospital.

### **B. Data Sheets**

In order to assist members of this department with notifications, each member will complete a Data Sheet in conjunction with their Performance Evaluation.

1. This form allows deputies to provide information which may be essential in the event of a line-of-duty death or serious injury.

2. The form will be reviewed by the deputy in conjunction with the Annual Performance Evaluation and any revisions made. It may be updated at any other time as deemed necessary by the deputy.

#### C. Liaison

1. At the earliest possible time, the Division Commander of the deceased member shall appoint a liaison from the department.
2. The liaison is not a decision-making position, but a facilitator between the family and the Department.
3. This liaison's responsibilities will include the following:
  - a) ensure that the needs of the family come before the wishes of the department;
  - b) the needs of the family are met;
  - c) assist with handling funeral arrangements and any available benefits;
  - d) be provided with updates regarding any investigations to provide information to the family and be available to the family throughout this time. This information shall be provided prior to any press releases.
4. The liaison is responsible for keeping the family informed of all new developments if a criminal investigation surrounds the death, prior to any news release.